

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF Pennsylvania
DIVISION

(Write the District and Division, if any, of
the court in which the complaint is filed.)

Matthew C. Uziel

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Raymond H. Swartz

Nicholas Caito, Raymond Johnson, and
Glassport Police Department

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

Complaint for a Civil Case

Case No. 17-0324
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

RECEIVED

MAR 14 2017

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Matthew C. Uziel</u>
Street Address	<u>309 Edgewood Ave. Apt F</u>
City and County	<u>Pittsburgh</u>
State and Zip Code	<u>Pennsylvania 15218</u>
Telephone Number	<u>412-689-9669</u>
E-mail Address	<u>mta music 15@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Raymond H. Swartz</u>
Job or Title (if known)	<u></u>
Street Address	<u>220 Monongahela Ave</u>
City and County	<u>Glassport Allegheny</u>
State and Zip Code	<u>Pennsylvania 15045</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>Nicholas Caito</u>
Job or Title (if known)	<u>Police Officer</u>
Street Address	<u>440 Monongahela Ave</u>
City and County	<u>Glassport Allegheny</u>

State and Zip Code

Pennsylvania 15045

Telephone Number

E-mail Address

(if known)

Defendant No. 3

Name

Raymond Johnson

Job or Title

Police Officer

(if known)

Street Address

121 North 2nd Ave.

City and County

Elizabeth Allegheny

State and Zip Code

Pennsylvania 15037

Telephone Number

E-mail Address

(if known)

Defendant No. 4

Name

Glassport Police Department

Job or Title

(if known)

Street Address

440 Monongahela Ave.

City and County

Glassport Allegheny

State and Zip Code

Pennsylvania 15045

Telephone Number

E-mail Address

(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. § 1983, 1985, 1986

Amendments IV, V, VI, VIII, VII, and XIV

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is
incorporated under the laws of the State of (name)
_____, and has its principal place of
business in the State of (name) _____. Or is
incorporated under the laws of (foreign nation)
_____, and has its principal place of
business in (name) _____.

*(If more than one defendant is named in the complaint, attach an
additional page providing the same information for each additional
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant
owes or the amount at stake—is more than \$75,000, not counting interest
and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as
briefly as possible the facts showing that each plaintiff is entitled to the damages or other
relief sought. State how each defendant was involved and what each defendant did that
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places
of that involvement or conduct. If more than one claim is asserted, number each claim
and write a short and plain statement of each claim in a separate paragraph. Attach
additional pages if needed.

See attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See attached

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-25, 2017

Signature of Plaintiff

Printed Name of Plaintiff

Matthew Uziel
Matthew Uziel

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Address _____
Telephone Number _____
E-mail Address _____

III. Statement of Claim

1. Raymond Swartz alleged that a burglary took place at 800 Ohio Avenue in Glassport PA. This location was an unoccupied rental property, that was allegedly used to house and store his tools and construction equipment. Mr. Swartz filed an insurance claim alleging his tools were stolen at an estimated value of 10,660. To be compensated for his tools he had to file a police report on February 21st 2015. In accordance with the police report, on April 11 2015 Mr. Swartz claimed to have found some of his items at a nearby pawn shop in Elizabeth Borough, and contacted Elizabeth Borough Police Officer, Raymond Johnson. On April 20, 2015, charges were filed by Officer Nicholas Caito of the Glassport Police Department for this alleged theft. In conclusion, as a direct result of the filing of these criminal charges, Raymond Swartz was awarded an insurance claim check which is undisclosed, prior to the disposition of this case.

2. In accordance to the police report filed by Officer Nicholas Caito on February 21st 2015, Officer Raymond Johnson of Elizabeth Borough was contacted by Raymond Swartz in regards to the alleged theft that happened in Glassport. Raymond Swartz stated that he possibly found some of his missing tools at a pawn shop in Elizabeth Borough. Furthermore, Officer Johnson went ahead and started investigating Ray Swartz's allegations and forwarded the information to Officer Caito of Glassport.

3. On April 18th 2015, Officer Nicholas Caito of Glassport Police Department filed the following charges, 18 § 3502 §§ A2 F1 Burglary, 18 § 903 F1 Conspiracy – Burglary, 18 § 3921 §§ A F3 Theft By Unlawful Taking-Movable Prop, and 18 § 3925 §§ A F3 Receiving Stolen Property against Matthew Uziel, (plaintiff). A warrant was issued for the plaintiff's arrest and served on

May 7th 2015, where he was incarcerated until the disposition of the case. He remained incarcerated from May 7th 2015 until April 7th 2016. During pretrial investigation Attorney O'Bara Esq. and the plaintiff learned that an insurance check was issued to Raymond Swartz; that the police didn't possess and could not produce any actual video surveillance; that there were no statements from the pawn shop owner or witnesses; and Raymond Swartz couldn't prove ownership of the only tool found at the Elizabeth Pawn Shop.

4. Furthermore, the date the offense occurred Feb 21st 2015, the plaintiff was incarcerated for an unrelated issue and was released two weeks later. Mr. Swartz submitted a list of inventory yet was unable to produce receipts, invoices, serial numbers or any proof of purchase or ownership for these items allegedly stolen. On the date of jury trial the Officer Nicholas Caito was unable to produce any video evidence, any witnesses, and Raymond Swartz couldn't support his claims of the stolen items. Not until after numerous postponements, continuances and attempts to offer multiple plea agreements, the charges were finally reduced to a summary offense with time served, no probation and no restitution. Court costs were issued in the amount of \$2,500. These fabricated charges were created for Raymond Swartz to be compensated for his alleged loss, which led to the plaintiff sitting in jail for eleven months under false pretenses.

IV Relief Statement

I would like compensation for my lost wages while sitting in jail for 11 months and wrongful imprisonment. I want reimbursed for personal property lost such as my car 1998 Pontiac Sunfire, my apartment, my furnishings, my TV's, my tools, my clothing, and my pets. My car was valued based on Kelley Blue Book at \$1,025. I calculated my lost wages estimating \$29,920 for 11 months out of work. Tools lost are valued at \$8,000 and work clothes were valued at \$1,500. Furniture is valued at \$4,300, and personal clothes are valued at \$2,500. During my incarceration two of my utility accounts went delinquent and were turned over to collections, they reached up to \$1100. I am personally requesting a grand total of \$75,287 be awarded to the plaintiff from the various groups that are named in this complaint. I was a victim of identity theft while incarcerated. A fraudulent tax return was filed in my name while I was incarcerated.

Calculations

Apartment Furniture Total \$4,300

Bedroom- \$1,500, Kitchen- \$500, Bathroom- \$300, Living Room- \$2,000

Car Value- Kelley Blue Book \$1,025 (Pontiac Sunfire 1998 Sedan Good Condition, >100,000 miles)

Personal Clothes- \$2,500

Work Clothes- \$1,500

Tools- \$8,000

Lost Wages- \$17.00/hr, 40 hrs/week, 44 weeks estimated at \$29,920

As far as wrongful imprisonment, Pennsylvania has no statue on being housed for a year. Allegheny County Jail cost per day (77.40 per day) (330 days incarcerated) estimated at \$25,542

Court Costs Issued- \$2,500

Total Loss Based on Calculations is \$75,287